



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEC 19 2012

Mr. Dean F. Stratouly
100 Arlington Acquisition Company, LLC
c/o The Congress Group Inc.
33 Arch Street, 11th Floor
Boston, Massachusetts 02110

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
100 Arlington Street Building
Boston, Massachusetts

Dear Mr. Stratouly:

This is in response to The Congress Group (TCG) Notification¹ for approval to clean up and dispose of PCB-contaminated building materials located in the building located at 100 Arlington Street (the Site), Boston, Massachusetts. Specifically, exterior caulk associated with two vertical joints and windows on the eastern façade has PCB concentrations that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a) and § 761.62.

In its Notification, TCG has proposed the following PCB cleanup and disposal plan:

- Remove and dispose of *PCB bulk product waste* (i.e., caulk) in a TSCA-approved disposal facility or RCRA hazardous waste landfill in accordance with § 761.62(a)
- Remove and dispose of *PCB remediation waste* with PCBs greater than or equal to (\geq) 50 parts per million (ppm) (i.e., metal window frames, panning and flashing; brick and mortar; and limestone cornerstones and sills) in a TSCA-approved disposal facility or RCRA hazardous waste landfill
- Remove and dispose of *PCB remediation waste* with PCBs less than ($<$) 50 but greater than ($>$) 1 ppm (i.e., brick and mortar) in a landfill permitted by the State to receive the waste in accordance with § 761.61 (a)(5)(i)(B)(2)(ii)

¹ The Notification was prepared by Environmental Health and Engineering, Inc. on behalf of The Congress Group to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated July 16, 2012 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP); August 2012 (LVI contractor work plan); August 16, 2012 (email response to disposal question); November 27, 2012 (PCB Removal and Disposal Work Plan Addendum); December 4, 2012 (Annotated drawings); December 11, 2012 (Addendum 1 to the LVI contractor work plan); and December 17, 2012 (email response to EPA comments). This submittal shall be referred to as the "Notification".

TCG is aware of the PCB reinterpretation of *PCB bulk product waste* issued October 24, 2012. TCG has made the determination that the *porous surfaces* will remain classified as *PCB remediation waste* for the purpose of disposal.

With exception of the verification sampling requirements under § 761.61(a)(6), the information provided in the Notification meets the requirements under 40 CFR §§ 761.61 and 761.62, for removal and disposal of *PCB bulk product waste* and for removal and/or decontamination of *PCB remediation waste*. Further, the proposed decontamination and disposal activities are consistent with the requirements and standards established under § 761.61(a) and § 761.62, for similar types of PCB-contaminated materials.

TCG is not proposing to collect verification sampling following removal of PCB-contaminated *porous surfaces*. Characterization sampling of *porous surfaces* will be conducted to determine the location of the cut line to confirm that PCB concentrations are < 1 ppm. TCG is proposing to remove and dispose of all masonry located between the PCB caulk and these sampling locations (i.e., the cut line) as a ≥ 50 ppm *PCB remediation waste*. Based on the results of the sampling to-date and TCG's proposed plan EPA has determined that TCG's proposed plan is reasonable and will create no unreasonable risk to public health or the environment. EPA may approve this deviation from the verification sampling requirements under § 761.61(c).

This Approval does not provide for cleanup and disposal of *porous materials* (i.e., brick and mortar) and *PCB bulk product waste* (i.e., caulk) from within the garage as additional sampling is necessary to define the nature and extent of the contamination. Upon completion of the investigation of the garage, TCG may request a modification to this Approval to incorporate cleanup of PCB-contaminated building materials, or TCG may submit a separate cleanup and disposal notification under 40 CFR § 761.61 (see Attachment 1, Condition 15).

TCG may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.79(h) and § 761.62; its Notification; and this Approval, subject to the conditions of Attachment 1.

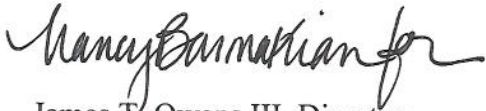
Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

This Approval does not release TCG from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Massachusetts Department of Environmental Protection (MassDEP) regulations.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Barmakian", followed by a stylized flourish.

James P. Owens III, Director
Office of Site Remediation & Restoration

cc: C. Campisano, Environmental Health & Engineering
MassDEP, Boston
File

Attachment 1- Approval Conditions

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
100 ARLINGTON STREET ("the Site")
BOSTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Congress Group, Inc. (TCG) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. TCG must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, TCG shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. TCG is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time TCG has or receives information indicating that TCG or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by TCG are authorized to conduct the activities set forth in the Notification. TCG is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release TCG from compliance with any applicable requirements of federal, state or local law; or 3) release TCG from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from TCG of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. TCG shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval and
 - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The decontamination standard for building *porous surfaces* (i.e., limestone, mortar and brick) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) Sampling of *porous surfaces* shall be performed on a *bulk basis* (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - ii) Samples shall be collected in accordance with the Notification.

- iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. TCG shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by TCG to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. TCG shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by TCG in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. TCG shall submit a final report in electronic and hard copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photographic documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1